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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,

10 Plaintiff,

11 v.

12 Guiovani Contreras-Robles,

13 Defendant.
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No. CR-22-01913-005-TUC-JAS (LCK)

ORDER

15 Pending before the Court is a Report and Recommendation issued by United States
16 Magistrate Judge Kimmins that recommends denying Defendant's Motion to Dismiss
17 Count One of the Indictment. The record reflects that the parties have not filed any
18 objections to the Report and Recommendation and the time to file objections has expired.
19 As such, the Court will not consider any objections or new evidence.

20 The Court has reviewed the record, including Defendant's motion (Doc. 102), the
21 government's response (Doc. 106), Defendant's reply (Doc. 108), and the R&R (Doc. 112).
22 The Court has also listened to the audio recording of oral arguments on Defendant's motion
23 (Courtsmart, LCK, February 29, 2024 at 2:00pm). Based on this review, the Court
24 concludes that Magistrate Judge Kimmins's recommendations are not clearly erroneous.
25 *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Johnson v. Zema Systems Corp.*, 170 F.3d
26 734, 739 (7th Cir. 1999); *Conley v. Crabtree*, 14 F. Supp. 2d 1203, 1204 (D. Or. 1998).

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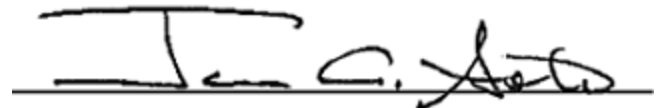
1 Accordingly, **IT IS ORDERED** as follows:

2 (1) Magistrate Judge Kimmins's Report and Recommendation (Doc. 102) is accepted and
3 adopted.

4 (2) Defendant's Motion to Dismiss Count One of the Indictment (Doc. 102) is **denied**.

5 (3) This case is referred back to Magistrate Judge Kimmins.

6 Dated this 27th day of March, 2024.

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10 Honorable James A. Soto
11 United States District Judge
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